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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,811	10/06/2004	Makoto Izawa	22040-00039-US1	5810

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EXAMINER	
YAARY, MICHAEL D	

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
12/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/711,811	IZAWA ET AL.	
	Examiner	Art Unit	
	Michael Yaary	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 October 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :09/06/2006 & 10/06/2004 & 10/07/2004.

DETAILED ACTION

1. Claims 1-6 are pending in the application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 6 is rejected under 35 U.S.C. 101, as the claim is directed to non-statutory subject matter. Claim 6 is reciting a "random number initial value generation program," thus claiming software without the medium it is stored upon, therefore making it software per se. A suggested way to amend the claim would be, "A computer readable medium storing a random number initial value generation program, the program when executed by a processor..." or in a similar manner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirokazu (JP 11-312078) in view of Kosugi (JP 358114134).

6. Hirokazu was cited in the IDS filed 10/07/2004.

7. **As to claims 1, 5, and 6,** Hirokazu disclose a random number initial value generation device (Abstract and [0006]), the device being able to be used in an electronic apparatus that is to be connected to a network (Examiner is taking official notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to connect the electronic apparatus to a network for the benefit of providing communication and network processing means, as network connectivity is well-known knowledge to one of ordinary skill in the art.), the device comprising:

Time measuring means for measuring a period of time from turning on the electronic apparatus to receiving a network event via the network, so that time information for the period of time is obtained (Abstract and [0008]-[0010] disclose once power is turned on in the electronic device, utilizing a counter configuration for a certain or prescribed amount of time to generate random numbers. Thus, thus measured time interval is used by the apparatus, and may be triggered by a network event when used with the well-known knowledge of network connection.).

8. Hirokazu does not disclose value determining means for determining a value of the initial random number on the basis of the time information obtained by the time measuring means.

However, Kosugi discloses value determining means for determining a value of the initial random number on the basis of the time information obtained by the time measuring means (Abstract discloses using a counter interval value to obtain a value for an initial random number.).

9. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Hirokazu by, implementing an initial random number value based on a time interval measurement made by a counter, as taught by Kosugi, for the benefit of generating high quality random numbers.

10. **As to claim 2,** the combination of Hirokazu and Kosugi disclose the time measuring means measures the period of time from turning on the electronic apparatus to receiving via the network a first network event that occurs after turning on the apparatus (Examiner is taking official notice that when using the time measuring means of the combination of Hirokazu and Kosugi with the well known knowledge of network connections, it would have been obvious to one of ordinary skill in the art that the time interval can be based on a first, second or any specific event occurrence.).

11. **As to claim 3,** the combination of Hirokazu and Kosugi disclose the value determining means includes calculating means for executing a predetermined calculation on the time information obtained by the time measuring means, so that the value of the initial random number is determined (Kosugi, abstract).

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirokazu in view of Kosugi as applied to claim 1 above, and further in view of Antoniou (US Pat. 5,214,423).

13. **As to claim 4,** Hirokazu and Kosugi do not disclose storage means for storing the determined value of the initial random number, wherein next time the electronic apparatus is turned on, the calculating means executes the predetermined calculation on the determined value stored in the storage means, so that the value of the initial random number is determined in the next time.

However, Antoniou discloses storage means for storing the determined value of the initial random number (abstract and column 2, lines 43-48) , wherein next time the electronic apparatus is turned on, the calculating means executes the predetermined calculation on the determined value stored in the storage means, so that the value of the initial random number is determined in the next time (Abstract; column 2, lines 3-15 and 49-56 disclose when applying power to an apparatus, using the contents of the RAM in order to generate random number data, thus using the stored values to generate random numbers.).

14. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Hirokazu and Kosugi, by generating random numbers based on stored data from memory, as taught by Antoniou, for the benefit of generating high quality random numbers to avoid problematic errors in a system containing multiple devices.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Yaary whose telephone number is (571) 270-1249. The examiner can normally be reached on Monday-Friday, 8:00 a.m - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MY

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